

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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STEVE P. GREENE,  
Plaintiff,

vs.

CAPITAL ONE BANK AND TOREY  
WHITE, an individual,  
Defendants.

MEMORANDUM DECISION AND  
ORDER ADOPTING REPORT AND  
RECOMMENDATION

Case No. 2:07-CV-687 TS

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Before the Court is the Report and Recommendation<sup>1</sup> issued by Magistrate Judge Brooke Wells on November 14, 2007, recommending that Defendants' Motion to Dismiss<sup>2</sup> be denied without prejudice and that Plaintiff be given an opportunity to amend his complaint. The parties were informed of their right to file any objection to the Report and Recommendation within ten days after receiving it pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b). Although Defendants indicate that they "have no objection to the Report," they ask that

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<sup>1</sup>Docket No. 12.

<sup>2</sup>Docket No. 6.

Plaintiff's amendment "be made in conjunction with his obligations under Rule 11 of the Federal Rules of Civil Procedure" and that it be completed within 15 days of this Order.<sup>3</sup>

Having considered the pleadings and memoranda in the file, the Court fully agrees with Magistrate Judge Wells's Report and Recommendation. The Court recognizes the need for some guidance as to the timing of Plaintiff's amendment, although it finds that 30 days is a more appropriate period. Additionally, Plaintiff is reminded of his obligations to comply with the Federal Rules of Civil Procedure and this Court's Rules of Practice throughout the proceedings of this case, copies of which can be accessed through the Court's website at <http://www.utd.uscourts.gov/documents/rulepage.html>.

It is therefore

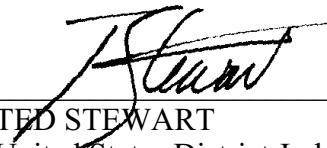
ORDERED that the Report and Recommendation [#12] is ADOPTED IN FULL. It is further

ORDERED that Defendants' Motion to Dismiss [#6] be DENIED WITHOUT PREJUDICE. It is further

ORDERED that Plaintiff be GRANTED leave to amend his complaint on or before January 2, 2008.

DATED December 3, 2007.

BY THE COURT:

  
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TED STEWART  
United States District Judge

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<sup>3</sup>Docket No. 14.